

United States Courts  
Southern District of Texas  
FILED

AUG 9 2018

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Joe Ramirez  
Alonso Salinas  
Noemi Viera  
Tasha Rochelle Lopez

## CRIMINAL COMPLAINT

Case Number: 2:18mj3093

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about August 7, 2018 in Kenedy County, in the

(Date)

Southern District of Texas defendant(s), **Joe Ramirez**  
**Alonso Salinas**  
**Noemi Viera**  
**Tasha Lopez**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the  
following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

**Eberto Cabello**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:

August 9, 2018

Date

3:45 pmB. Janice Ellington U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Complainant

Eberto Cabello

Printed Name of Complainant

at

Corpus Christi, Texas

City and State

Signature of Judicial Officer

## **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

### **PROBABLE CAUSE / FACTS:**

On August 7, 2018, Border Patrol Agents (BPA) arrested Joe Ramirez, Alonso Salinas and Noemi Viera at the Kingsville Border Patrol Checkpoint for attempting to smuggle four illegal aliens. In addition, Border Patrol seized two vehicles used in the smuggling attempt.

At approximately 2:50 P.M., a Chevrolet Malibu sedan arrived at the primary inspection lane of the Kingsville Border Patrol Checkpoint with two visible occupants. The primary agent initiated his immigration inspection of the occupants. A canine handler was simultaneously utilizing his service canine to conduct a non-intrusive free air sniff of the exterior of the vehicle. The primary agent notes he observed the vehicle did not have either license plates or a registration sticker on the windshield. The agent questioned the driver, later identified as Joe Ramirez, as to who owned the vehicle; Ramirez stated the vehicle belonged to him and had recently purchased it. The vehicle's registration later returned to registered owner: Tasha Rochelle Lopez.

The agent asked the Ramirez what his intended destination was and where he departed from. Ramirez responded he resides in Weslaco, Texas and was traveling to Dallas, Texas with his minor son for a few days. The agent, observing a lack of luggage in interior of the vehicle, requested consent to search the trunk of the vehicle. Ramirez granted consent and allowed the agent to open the trunk. Upon opening the trunk, the canine handler informed the primary agent his canine was alerting to the trunk. The primary agent found an assortment of items inside the trunk including a large blanket seemingly covering a large bulky item. The agent placed his hand on the blanket and felt warmth emanating through it. He further states he felt movement in response to his touch. The agent, suspecting the item might be a concealed human, returned to the driver's side window to further question the driver.

The agent inquired as to who placed all those items in the trunk; Ramirez began to exhibit common signs of nervousness as witnessed by the primary agent including but not limited to fast heavy breathing, eye widening and perspiration. Ramirez stated a friend had loaded the items into his vehicle's trunk. The agent then instructed the driver to shut off the vehicle and remove the key from the ignition port. Agents escorted Mr. Ramirez into the checkpoint building and moved the vehicle to the secondary inspection area. Agents conducted a search of the trunk and found two adult males, later identified as Jose Trujillo-Elias and Santiago Equila-Xirum, concealed underneath the heavy blanket. Both admitted to being illegally present in the United States and were placed under arrest. Mr. Ramirez was placed under arrest for transporting illegal aliens.

A temperature reading of the trunk was recorded at 98 degrees Fahrenheit shortly after discovering the aliens.

Shortly after the above referenced encounter, another vehicle approached the same agent at the primary inspection lane. At approximately 2:55 P.M., a gray Nissan Sentra rental vehicle approached the inspection point with three visible occupants. The agent initiated his inspection of the occupants while a canine handler was simultaneously utilizing his service canine to conduct a non-intrusive free air sniff of the exterior of the vehicle. The agent questioned the driver, later identified as Alonso Salinas, and female passenger, later identified as Noemi Viera and asked them where they were from. The driver stated they were from Weslaco, Texas. The agent notes that this response coupled with his experience and knowledge of alien smuggling trends heightened his awareness. The agent asked Salinas what was his destination, to which Salinas responded they were traveling to Dallas, Texas. Both responses were similar to those given

by Mr. Ramirez during his initial encounter. The agent questioned the occupants as to their relation to the female child (9 year old) seated in the back seat. Ms. Viera responded that she was a family member. The agent asked who rented the vehicle to which Ms. Viera responded that it was under a friend's name.

The agent requested and was granted consent to search the vehicle. Prior to opening the trunk, the canine handler informed the agent his canine was alerting to rear of the trunk. Upon opening trunk, the agent found an assortment of items including a heavy blanket similar to the one found in the first vehicle. The agent notes he witnessed movement from beneath the blanket prior to him touching it. He writes that this blanket was also warm to the touch.

The agent returned to the driver's side window and questioned him as to who placed the items in the trunk. Salinas began to exhibit common indicators of nervousness as witnessed by the agent including but not limited to acting confused, repeating questions in Spanish asking the agent to explain what he meant, and breaking eye contact. The agent instructed Mr. Salinas to turn vehicle's engine off and remove the key from the ignition port to deter him from attempting to flee. The canine then moved the blanket and found a concealed human. A subsequent search yielded discovery of two adult males concealed under the blanket. The two, later identified as Esgar Espino-Lemus and Elvin Garcia-Escobar, readily admitted to being illegally present in the United States and were placed under arrest. Mr. Salinas was instructed to exit the vehicle and was searched for weapons. Mr. Salinas disclosed he had a knife in his possession. Agents found a knife and a nearly foot-long metal shank concealed in his waistline. He and Ms. Viera were placed under arrest for transporting aliens.

A temperature reading of the trunk was recorded at 90 degrees Fahrenheit shortly after discovering the aliens.

Shortly after the second vehicle, a Ford F-150 approached the primary inspection point with two adult occupants and four children. The driver, later identified as Tasha Lopez, claimed all four children were hers and all declared they are United States Citizens. The same primary agent notes that during the interaction, Ms. Lopez hiked her left leg up exposing much of her thigh and a tattoo with flowers. The agent relies on his experience to determine that the distractive behavior exhibited by Ms. Lopez could be indicative of potential smuggling activity. The agent requested and was granted consent to open the driver's side doors and look under the rear seat. The agent then obtained consent to further search the vehicle in secondary inspection. A canine search yielded no results.

Approximately one and one half hours later, the Kingsville Border Patrol Station received a phone call from a person identifying herself as Tasha Lopez and claiming to be mother to the two minors found traveling with the three principals in this case. She further claimed that she received a call from her mother telling her that her children were in custody of the Border Patrol and had traveled from Weslaco, Texas to take custody. She claims she was not aware her boyfriend (driver of vehicle #1 Joe Ramirez) was doing with her children but had asked to borrow them for the day. The primary agent that encountered all three vehicles was able to observe the arrival of the female claiming to be Tasha Lopez through station surveillance video feed. The agent states the female had switched her shirt but recognized her as the driver of the F-150 that came through the checkpoint after vehicle #2. The agent then asked the children to describe their mother, they stated their mother was Tasha Lopez and had a flower tattoo on her leg.

During post arrest statements, the driver of vehicle #1, Mr. Ramirez admitted the child was not his biological son but resided with the child's mother, Tasha Lopez. Ms. Viera also admitted that the female child traveling with her in vehicle #2 was not hers and actually a friend's daughter. She identified her friend as Tasha Lopez. Both juveniles were released to their mother and a photocopy of her identification was secured.

**MIRANDA RIGHTS WARNING AND STATEMENT (Joe Ramirez)**

Agents advised Joe Ramirez of his Miranda Warning Rights, he stated he understood them and was willing to make a statement without the presence of an attorney. A video-recorded sworn statement was obtained.

Ramirez stated that he and his wife Tasha were instructed by (Tasha's stepbrother) to pick up four people in a house in Mission and that he would be getting paid \$1,000.00 for all four people. Ramirez stated that the house was located down a dirt road near the Coyote Store off 8 Mile road in Mission. Ramirez stated that once down they drove down the road an old man instructed them to stop and four people came out of an orange orchard and got into his car. Ramirez stated that he and his wife drove to his house where he dropped off his wife and continued to drive to another house where he was instructed by Tasha's stepbrother to place the people in the trunk of the car.

Ramirez stated that Tasha and a gray in color car followed him to a house in Mercedes where he placed two individuals in the trunk of his car and the other two in the gray car and placed suitcases and blankets on top of them. Ramirez stated that his son got into the car with him and that he placed his daughter in the other car with the woman and the man so they could pass as a family at the checkpoint. Ramirez stated that he lowered the backseat of the car so the individuals could get air and picked up the seat once they arrived at the checkpoint. Ramirez stated that he was going to drop them off in Houston, Texas and that he did not receive money for gas or expenses.

On August 8, 2018, at approximately 1:30 pm, Ramirez was shown a photo lineup with five randomly selected female subjects and Tasha Rochelle Lopez. Ramirez was able to identify Lopez and stated she had nothing to do with the alien smuggling attempt. Ramirez did state that Lopez accompanied him to the orchard where he picked up the four aliens and that she was present when the IAs were loaded in the trunks of the vehicles.

**MIRANDA RIGHTS WARNING AND STATEMENT (smuggled aliens)**

Vehicle #1) TRUJILLO-Elias Jose Anibal:

Subject states he illegally entered the United States near Hidalgo, Texas on about July 31, 2018 and was taken to an abandoned house. He stayed in the house for eight days until today's date. He claims that a man in the house instructed four of them to walk into an orange grove next to the house and wait for a car to pick them up. He stated that they reached the orange grove and waited for a car to pick them up. A beige car driven by a man told him and another person to get in the trunk of the car. He stated that once he and the other person were in the trunk they were covered with blanket and some luggage. Another vehicle arrived to pick up the other people but he was unable to see anything because he was already in a trunk. Subject claims he saw only men throughout his transportation and never saw a woman.

He stated that the driver was accompanied by a small boy and they left the back seats open for them to breath. Subject stated that he did fear for his life while he was being transported in the trunk that it was very hot and he had difficulty getting air because the other person was blocking the air flow to reach him.

Subject was shown one photo lineup. The lineup contained a photo of one of the three principals. Subject was unable to identify Joe Ramirez as the driver of the vehicle he was in. subject circled and initialed the wrong person in the photo lineup.

(Vehicle #1) Santiago EQUILA-Xirum

Subject states he illegally entered the United States near Hidalgo, Texas on about July 31, and was taken to a house where he stayed for seven days until today's date. He claims that one of the men living in that house instructed four of them to walk through an orange grove that was next to the house and that a car was going to be waiting for them.

Once at the grove, they all got into the backseat of the vehicle, a young man wearing a cowboy hat and a young woman as a passenger picked them up. They then met up with a second vehicle at another house and the group was split into two groups among the vehicles. Subject claims that the driver, the man with the cowboy hat instructed for two of them to go into another vehicle that was there. Subject claims he saw a man and a woman in the other vehicle and that the woman was the one telling the other two to get inside the trunk. The subject and the other individuals were instructed to get inside the trunk of the car they were in. Subject stated that the driver, the man with the cowboy hat, took off his hat and shirt and left an undershirt on. At that time, the female passenger left a small boy seating in the passenger seat.

Subject claims that the child asked them if they were getting enough air to the trunk. Some of the backseats were folded down during the majority of the trip. A few minutes before arriving to the checkpoint, the driver turned around and put the seats in the upright position so that the trunk was fully closed.

Subject was shown three separate photo lineups. Each lineup contained a photo of one of the three principals. Subject positively identified Joe Ramirez as the driver of the vehicle he was in. Subject positively identified Alonso Salinas as the driver of the second vehicle and Noemi Viera as the passenger. He indicated such by circling the respective photo and initialing next to it.

On August 8, 2018 at approximately 12:30 p.m. Santiago Equila-Xirum was re-interviewed by intelligence agents. Equila was shown a photo lineup of a potential subject that was involved in the alien smuggling case. Equila was able to identify the subject in the photo lineup as the subject who picked him up from the orange grove and transported him to the vehicle that he was found hidden in. The subject identified was Tasha Lopez.

**MIRANDA RIGHTS WARNING AND STATEMENT (Noemi Viera)**

Viera stated she was to pick up the rental car at Lopez's house, but when she arrived, Lopez was not there and instructed her (Viera) to go to a ranch owned by her (Lopez) father. Viera stated when she and Salinas arrived, she observed three people: Tasha Lopez, Joe Ramirez (principal and Lopez' boyfriend) and Lopez' sister-in-law. Viera initially stated that she and Salinas loaded their belongings in the trunk of the rental vehicle, but later during the interview, Viera changed her story and stated that once she exited the vehicle, Lopez loaded the luggage into the rental vehicle.

Once the rental vehicle was loaded with Viera's luggage, Ramirez drove off in Lopez' vehicle and shortly thereafter they drove off. Viera stated she did not know there were illegal aliens in the trunk of the rental car. Viera stated Lopez' must have put the aliens in the trunk because she has been arrested for alien smuggling before. Viera also stated that once at the checkpoint, she observed Tasha Lopez driving Ramirez' silver Ford F-150 through the checkpoint.

Note: Viera was a co-principal involved with Tasha Lopez in the event referenced above.

Viera was shown a photo lineup with five randomly selected female subjects and Tasha Rochelle Lopez. Viera was able to identify Lopez as one of the facilitators that arranged the smuggling event.

Mr. Alonso Salinas was advised of his rights. He declined to provide a statement without an attorney present.

**MIRANDA RIGHTS WARNING AND STATEMENT (smuggled aliens)**

(Vehicle #2) GARCIA-Escobar, Elvin Saul

Subject states he illegally entered the United States near Hidalgo, Texas on July 31, 2018 and was taken to a house where he stayed until today's date. A man entered the house and told four of them that it was



time to go. They were instructed to walk to an orange grove to be picked up. A four-door sedan then picked the group up and drove them a short distance away. A second vehicle arrived and two of the aliens were instructed to get into the second vehicle and all of them were instructed to get into the trunks. He states that the backseat was folded down during the majority of the trip. About ten minutes before arriving at the checkpoint the seats were then placed into their upright position so that the trunk was fully closed.

Subject identified all three involved principals in photo lineups.

(Vehicle #2) Esgar Espino-Lemus

Subject states he illegally entered the United States near Roma, Texas on about August 02, 2018 and was taken to a house. His statement reflects that of the other aliens. He states he got into the vehicle driven by a male with a tattoo on his face, a female adult passenger, and a female child. He and another individual were placed in the trunk of the vehicle. Some of the backseats were folded down during the majority of the trip. A few minutes before arriving to the checkpoint, the female passenger turned around in her seat and put the seats in the upright position so that the trunk was fully closed.


Espino was shown three separate photo lineups. Each lineup contained a photo of one of the three principals. Subject positively identified Alonso Salinas as the driver of the vehicle he was in and Noemi Viera as the passenger. He positively identified Joe Ramirez as the driver of the other vehicle. He indicated such by circling the respective photo and initialing next to it.

On August 8, 2018 at approximately 8:30 A.M., Esgar David Espino-Lemus was re-interviewed by intelligence agents. Espino was shown a photo lineup of a potential subject that was involved in the alien smuggling case. Espino was able to identify the subject in the photo lineup as the subject who picked him up from the orange grove and transported him to the vehicle that he was found in the trunk. The subject identified was Tasha Lopez.

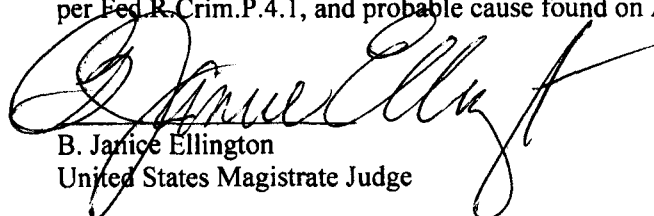
The other two smuggled aliens Elvin Saul GARCIA-Escobar and Jose Anibal TRUJILLO-Elias were also shown the photo lineup and were not able to identify anyone.

**DISPOSITION:**

I presented the facts of this case to Assistant United States Attorney Julie Hampton, who accepted prosecution of Joe Ramirez, Alonso Salinas, Noemi Viera and Tasha Lopez for violating Title 8 USC 1324, Conspiracy to Transport Illegal Aliens. All smuggled aliens will be held as material witnesses in this case.

  
Eberto R. Cabello  
Border Patrol Agent

Submitted by reliable electronic means,  
sworn to, signature attested telephonically  
per Fed R. Crim.P.4.1, and probable cause found on August 9, 2018:

  
B. Janice Ellington  
United States Magistrate Judge